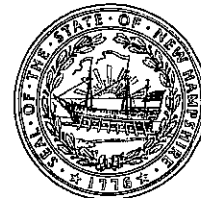




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

March 3, 2009

The Honorable Judith Spang, Chairman  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, New Hampshire 03301

**Re: HB 384, creating urbanization and timber harvesting exemptions for prime wetlands.**

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 384 that would create urbanization and timber harvesting exemptions for prime wetlands.

The department supports this bill with the following amendments.

New Paragraph; Utility Maintenance. Amend RSA 482-A:3 by inserting after paragraph XIV the following new paragraph:

XV. Maintenance and repair of existing electrical transmission and distribution lines shall be exempt from this section, including any portion located in or adjacent to a prime wetland, provided that a written notification is sent to the department and the town clerk of each municipality in which work will occur.

(a) A notification under this section shall be submitted by the utility conducting the maintenance, and shall include:

- (1) The name and address of the person responsible for overseeing the maintenance;
- (2) A brief written description of the nature of the work to be conducted; and
- (3) A copy of the appropriate United States Geological Survey topographic map with the locations of the projects indicated.

(b) A one time annual filing fee of \$200 per town, not to exceed a maximum of \$10,000, shall accompany the notice to the department. Such fees shall be held in accordance with paragraph III. Amendments to the notification will not require an additional fee as long as no other additional towns are included with the amendment. Additional towns included in the amendment will be subject to an additional fee of \$200 per town.

(c) To qualify for an exemption under this paragraph, the work shall be conducted in accordance with the Best Management Practices for Utility Line Maintenance and Repair published by the department of resources and economic development.

The department does not support the amendments as proposed to RSA 482-A:11,IV or 482-A:15-b,III relative to timber harvesting operations. The department is concerned that these exemptions have not been fully vetted with those municipalities who have designated prime wetlands and who understand that there are additional protections afforded to those designated prime wetlands. The department recommends that this concept be considered in subcommittee.

Thank you for this opportunity to comment on this bill. Please feel free to call me at 271-2958, or Collis Adams at 271-4054, if you have any questions or need additional information.

Very truly yours,

  
for Thomas S. Burack Commissioner

Representatives Theberge; Garrity, Thomas, Ingersoll, and Sanders

Senators Gallus and Odell

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